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EXAMINER

WORKU, NEGUSSIE

ART UNIT PAPER NUMBER

2626

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,503

Applicant(s)

HAMILTON ET AL.

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-25, 27-38 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-25, 27-38 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 09/14/01; 08/29/01; 4/14/03

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-25, 27-38 and 41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagarajan (USPAP 20020097452), in view of Itoh (USP 6,034,785).

Regarding claim 1, Nagarajan teaches a method of optically scanning a target item, (a digital scanning system 30 of fig 1) comprising: configured an optical scanning arrangement with predefining settings for scanning parameters appropriate to a photographic image, (a various parameters of the image data may be selected through filter module 153 of fig 3, col.2, paragraph 0020, lines 8-30); initiating a scanner operation;

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in response to the initiating, optically scanning the target item (scanning unit 20, initiating for a document or an item to be scan, col.2, paragraph 0014, lines 1-5) using the predefined settings to form a digital image of the target item, (col.2, paragraph 0020, lines 13-20).

Nagarajan does not expressly teach converting the digital image into a data file, wherein the scanning, and the converting are performed automatically without intervention by a user, and wherein the predefined setting are not defined by the user.

However, Itoh in the same area of image processing method of outputting scanned image teaches converting the digital image into a data file, (A/D converter 43 of fig 2, converts the RGB image read by scanner 12 of fig 2 into a digital image data file respectively, (col.8, lines 21-25), wherein the scanning, and the converting are performed automatically (the respective scan image having been read are converted into image data having an output resolution automatically synthesized at a designate position by processing unit 50 of fig 2, col.14, lines 5-10) without intervention by a user, and wherein the predefined setting are not defined by the user the predetermined setting, such as out put resolution of 300 dpi, col.14, lines 5-10, and col.4, lines 34-38).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Nagaraja to include: converting the digital image into a data file, wherein the scanning, and the converting are performed automatically without intervention by a user, and wherein the predefined setting are not defined by the user.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Nagarajan by the teaching of Itoh for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose.

Regarding claim 2, Nagarajan teaches the method, (fig 1) further including: automatically storing the data file, (workstation 50, which is a computer can convert data to data file, col.2, paragraph 0016, lines 1-10).

Regarding claim 3, Nagarajan teaches, wherein the storing includes storing the data file on a file system, (data file are stored in memory 100 fig 1, via controller 90 and video bus 95 of fig 1, col.2, paragraph 0017, lines 10-15).

Regarding claim 4, Nagarajan teaches the method, (fig 1) further including specifying a date, and wherein the storing further includes storing the data file on the file system in a folder associated with the date, (data file are stored in memory 100 fig 1, via controller 90 and video bus 95 of fig 1, col.2, paragraph 0017, lines 10-15).

Regarding claim 5, Nagarajan teaches the method wherein the folder is associated with a particular month and year (workstation 50, which is a computer can convert data to data file, including date, col.2, paragraph 0016, lines 1-10).

Regarding claim 6, Nagarajan teaches the method, wherein the scanning parameters are selected from the group consisting of pixel depth, resolution, crop mode, and skew correction mode, (col.2, paragraph 0020, lines 14-21).

Regarding claim 7, Nagarajan teaches the method, wherein the scanning parameter settings (a various parameters of the image data may be selected through filter module 153 of fig 3, col.2, paragraph 0020, lines 8-30), appropriate to a photographic image includes: pixel depth=24-bit color; resolution=150 dots per inch; crop mode=automatic border detection; and skew correction mode=automatic image straightening, (col.2, paragraph 0020, lines 14-21).

Regarding claim 8, Nagarajan teaches the method, wherein the file system has no folder associated with the date, further including: creating the folder associated with the date (PC computer 50 of fig 1, inherently create data folder).

Regarding claim 9, Nagarajan teaches the method wherein the data file is a plurality of data files and wherein the file system has a plurality of folders, further including: viewing a representation of the plurality of folders; and viewing a representation of the data files in one of the folders, (since the imaging system 30 of fig 1, connected to the workstation (PC computer) plurality of folder and file can be viewed through a monitor).

Regarding claim 11, Nagarajan teaches a method of automatically organizing

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digital images, (fig 1) comprising: acquiring a digital image from an image source (scanner system 30 acquiring a digital image from the image source); automatically associating a date with the digital image (PC 50 of fig 1, inherit associate a data with digital image read by digital scanner 30 of fig 1); automatically converting the digital image into a data file; and storing the data file into a folder of a file system, the folder associated with the date (the overall function of the imaging system 30 of fig 1, controlled by computing unit 110 of fig 1, including storing data file).

Regarding claim 12, Nagarajan teaches a method further including: creating the folder if no other folder is associated with the date (creating a folder is performed by PC computer 50 of fig 1).

Regarding claim 13, Nagarajan teaches the method of claim wherein the date is the capture date when the image was captured by the image source (image scanner 30 of fig, capture the image and the captured data is a data).

Regarding claim 14, Nagarajan teaches, wherein the date is the storage date when the image was converted into a data file (image scanned by image scanner 30 of fig 1, and stored in the memory 100 of fig 1).

Regarding claim 15, Nagarajan teaches the method of (fig 1), wherein the data folder is associated with a particular month and year, (PC 50 which is a work station has

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a function of creating a month and a year in the folder inherently).

Regarding claim 16, Nagarajan teaches the method, (fig 1) wherein the data folder is selected from a set of data folders (PC 50 select from set of folder created by software program in the computer).

Regarding claim 17, Nagarajan teaches the method, wherein the digital image is a previously captured image, (image captured by image scanner 30 of fig 1) and wherein the acquiring further includes: uploading the previously captured image (the captured image up loaded into computer 50 of fig 1, PC monitor for further processing),

Regarding claim 18, Nagarajan teaches the method, wherein the acquiring further includes: predefining settings for image acquisition parameters appropriate to a photographic image, (a various parameters of the image data may be selected through filter module 153 of fig 3, col.2, paragraph 0020, lines 8-30); and capturing the digital image with the image source according to the predefined settings item (scanning unit 20, for a document or an item to be scan, co.2, paragraph 0014, lines 1-5).

Regarding claim 19, Nagarajan teaches the method, further comprising: performing a post-processing operation on the data file, (a various parameters of the image data may be selected through filter module 153 of fig 3, col.2, paragraph 0020, lines 8-30).



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Regarding claim 20, Nagarajan teaches the method, wherein the performing includes performing an image polishing operation, (col.3, paragraph 0022, lines 10-14).

Regarding claim 21, Nagarajan teaches the method, wherein the performing includes processing the data file with an application program (workstation GUI includes application program).

Regarding 22, Nagarajan teaches the method, wherein the performing further includes sending the processed data file to a destination, (col.2, paragraph 0016, lines 1-3).

Regarding claim 23, Nagarajan teaches the method, wherein the destination is a peripheral device, (col.2, paragraph 0016, lines 1-3).

Regarding claim 24, Nagarajan teaches the method, wherein the peripheral device is selected from the group consisting of a printer and a fax machine (col.2, paragraph 0016, lines 1-3).

Regarding claim 25, Nagarajan teaches the method, wherein the application program (host computing unit has GUI) is selected from the group consisting of an image polishing application, (out put terminal 60 of fig 21), a creative printing application, (out put terminal 60 of fig 21, such as printing system) a photo album application, (photographic mode) an e-mail application, (digital scanner 30 of fig 1,

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connected to the a net work), web site upload application (col.2, paragraph 0016, lines 1-3).

Regarding to claim 27, Nagarajan image processing system, (image processing unit 70 of fig 1), comprising: predefining at least one set of image source for providing at least one digital image upon request, (col.2, paragraph 0019, lines 9-10);

an image capture subsystem (digital scanner 20 of fig 1) coupled to the at least one image source for requesting and receiving the at least one digital image from the at least one image source, (digital scanner 20 of fig 1) the image capture subsystem further for associating a date with each digital image, and automatically converting each digital image into a corresponding image file, (host computer 50 of fig 1, convert digital image to data file stored in the memory 100 of fig 1); and

a file system coupled to the image capture subsystem (fig 1) for automatically storing each image file in a selected one of a plurality of data folders, the selected data folder having a folder name indicative of the date , col.2, paragraph 0018, line 5-9).

Nagarajan does not expressly teach converting the digital image into a data file, wherein the scanning, and the converting are performed automatically.

However, Itoh in the same area of image processing method of outputting scanned image teaches converting the digital image into a data file, automatically (A/D converter 43 of fig 2, converts the RGB image read by scanner 12 of fig 2 into a digital image data file respectively, (col.8, lines 21-25, and the respective scan image having been read are converted into image data having an output resolution automatically synthesized at a designate position by processing unit 50 of fig 2, col.14, lines 5-10).

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Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Nagaraja to include: converting the digital image into a data file automatically.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Nagarajan's imaging system by the teaching of Itoh for the purpose wasting little time in the processing of image data by automatically controlling the productivity of the output of the image to increase productivity.

With regard to claim 27, Nagarajan teaches an image processing system, (30 of fig 1) comprising: at least one image source, (scanner unit 20 of fig 1) each image source for providing at least one digital image upon request, col.2, paragraph 0016, lines 1-10); an image capture subsystem (60 of fig 1) coupled to the at least one image source for requesting and receiving the at least one digital image from the at least one image source, (image scanner 20 of fig 1) the image capture subsystem further for associating a date with each digital image and automatically converting each digital image into a corresponding image file, (image processing unit 70, in connection with workstation 50 of fig 1 performs associating data, converting into a corresponding file, col.2, paragraph 0018, lines 6-12); and a file system (workstation or a PC 50 fig 1, connected to imaging system 30 of fig 1) coupled to the image capture subsystem (30 of fig 1) for automatically storing each image file in a selected one of a plurality of data folders, the selected data folder associated with the date (image file are stored in the memory 100

of fig 1).

Regarding to claim 28, Nagarajan teaches the image processing system (fig 1), comprising: an image management subsystem (computer /workstation 50 of fig 1) coupled to the image capture subsystem (image scanning 30 of fig 1) and the file system for viewing the plurality of data folders and the image files in a specified data folder (storage medium 52 of fig 1, accessed by computer /workstation 50, for monitoring data folder).

Regarding to claim 29, Nagarajan teaches the image processing system (fig 1), comprising: a post-processing subsystem (image scanner 30 of fig 1) coupled to the image management subsystem (computer/workstation 50 of fig 1) for post-processing at least one selected one of the image files (image files stored in the storage medium 52 of fig 1).

Regarding to claim 30, Nagarajan teaches the image processing system (fig 1), comprising: a post-processing subsystem (image scanner 30 of fig 1) coupled to the image management subsystem (computer/workstation 50 of fig 1) for post-processing at least one selected one of the image files (image files stored in the storage medium 52 of fig 1).

Regarding to claim 31, Nagarajan teaches the image processing system (fig 1), comprising: an image destination (image out put terminal 60 of fig 1) coupled to the

post-processing subsystem (image scanner 30 of fig 1), image file selected by or accessed by computer 50 from storage medium 52 of fig 1) for receiving output data corresponding to at least one selected one of the image files.

Regarding to claim 32, Nagarajan teaches the image processing system (fig 1), wherein the date is an image acquisition date provided by the image source (image scanner unit 20 of fig 1, provides data by scanning image).

Regarding to claim 33, Nagarajan teaches the image processing system (fig 1), wherein the date is a current date provided by a date subsystem (data subsystem, like computer/workstation 50 of fig 1, connected to image scanning system 30 of fig 1) coupled to the image captures subsystem.

Regarding to claim 34, Nagarajan teaches the image processing system (fig 1), wherein the at least one image source is an optical scanner, (scanner 30 of fig 1) and wherein the image capture subsystem (image processing unit 70 of fig 1, one of the imaging capture subsystem) provides predefined settings appropriate to a photographic image to the optical scanner for use in providing the at least one digital image, (a various parameters of the image data may be selected or set through filter module 153 of fig 3, col.2, paragraph 0020, lines 8-30).

Regarding to claim 35, Nagarajan teaches a processor-readable medium (image

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processing unit 70 of fig 1) having processor-executable instructions thereon which, when executed by a processor, (70 of fig 1) cause the processor to: acquire a digital image from an image source (scanner unit 20 of fig 1); automatically convert the digital image into a data file having a date associated with the digital image (processor 70 of fig 1, convert digital image into data file); and store the data file into a data folder having a folder name indicative of the date, (memory 100 store data file into a data folder, computer 50 associate with date).

Regarding to claim 36, Nagarajan teaches a processor-readable medium (image processing unit 70 of fig 1) having processor-executable instructions thereon which, when executed by a processor, (70 of fig 1) cause the processor to configured an optical scanning arrangement with predefining settings for scanning parameters appropriate to a photographic image, (a various parameters of the image data may be selected through filter module 153 of fig 3, col.2, paragraph 0020, lines 8-30); initiating a scanner operation;

in response to the initiating, optically scanning the target item (scanning unit 20, initiating for a document or an item to be scan, col.2, paragraph 0014, lines 1-5) using the predefined settings to form a digital image of the target item, (col.2, paragraph 0020, lines 13-20).

Nagarajan does not expressly teach converting the digital image into a data file, wherein the scanning, and the converting are performed automatically without intervention by a user, and wherein the predefined setting are not defined by the user.

However, Itoh in the same area of image processing method of outputting scanned image teaches converting the digital image into a data file, (A/D converter 43 of fig 2, converts the RGB image read by scanner 12 of fig 2 into a digital image data file respectively, (col.8, lines 21-25), wherein the scanning, and the converting are performed automatically (the respective scan image having been read are converted into image data having an output resolution automatically synthesized at a designate position by processing unit 50 of fig 2, col.14, lines 5-10) without intervention by a user, and wherein the predefined setting are not defined by the user the predetermined setting, such as out put resolution of 300 dpi, col.14, lines 5-10, and col.4, lines 34-38).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Nagaraja to include: converting the digital image into a data file, wherein the scanning, and the converting are performed automatically without intervention by a user, and wherein the predefined setting are not defined by the user.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Nagarajan by the teaching of Itoh for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose.

Regarding to claim 37, Nagarajan teaches the image processing system (fig 1), comprising: means for acquiring a digital image from an image source (digital scanner 30 of fig 1, for acquiring a digital image); means (70 of fig 1) for automatically converting

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the digital image into a data file having a date associated with the digital image (processor 70 of fig 1, convert digital image into data file); and means (100 of fig 1) for storing the data file into a data folder of a file system, (memory 100 of fig 1 stores data file) the folder associated with the date.

Regarding claim 38, Nagarajan teaches an image processing system, (a digital scanning system 30 of fig 1) comprising: means (153 of fig 1) for configuring an optical arrangement with predefining settings for scanning parameters appropriate to a photographic image, (a various parameters of the image data may be selected through filter module 153 of fig 3, col.2, paragraph 0020, lines 8-30); means for initiating a scanning operation (20 of fig 1); means (20 of fig 1) optically scanning the target item (scanning unit 20, for a document or an item to be scan, co.2, paragraph 0014, lines 1-5) using the predefined settings to form a digital image of the target item, col.2, paragraph 0020, lines 13-20).

Nagarajan does not expressly teach converting the digital image into a data file, wherein the scanning, and the converting are performed automatically without intervention by a user, and wherein the predefined setting are not defined by the user.

However, Itoh in the same area of image processing method of outputting scanned image teaches converting the digital image into a data file, (A/D converter 43 of fig 2, converts the RGB image read by scanner 12 of fig 2 into a digital image data file respectively, (col.8, lines 21-25), wherein the scanning, and the converting are performed automatically (the respective scan image having been read are converted



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into image data having an output resolution automatically synthesized at a designate position by processing unit 50 of fig 2, col.14, lines 5-10) without intervention by a user, and wherein the predefined setting are not defined by the user the predetermined setting, such as out put resolution of 300 dpi, col.14, lines 5-10, and col.4, lines 34-38).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Nagaraja to include: converting the digital image into a data file, wherein the scanning, and the converting are performed automatically without intervention by a user, and wherein the predefined setting are not defined by the user.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Nagarajan by the teaching of Itoh for the purpose of obtaining a perfect final image, for all the prints of different color to be exactly superimpose.

With regard to claim 41, Nagarajan teaches an image processing system, (30 of fig 1) comprising: at least one image source, (scanner unit 20 of fig 1) each image source for providing at least one digital image upon request, col.2, paragraph 0016, lines 1-10); an image capture subsystem (60 of fig 1) coupled to the at least one image source for requesting and receiving the at least one digital image from the at least one image source, (image scanner 20 of fig 1) the image capture subsystem further for associating a date with each digital image and automatically converting each digital image into a corresponding image file, (image processing unit 70, in connection with workstation 50 of fig 1 performs associating data, converting into a corresponding file, col.2, paragraph

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0018, lines 6-12); and a file system (workstation or a PC 50 of fig 1, connected to imaging system 30 of fig 1) coupled to the image capture subsystem (30 of fig 1) for automatically storing each image file in a selected one of a plurality of data folders, the selected data folder associated with the date (image file are stored in the memory 100 of fig 1).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku

03/15/06

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**

